

National Association of Probation Executives EXECUTIVE EXCHANGE

ISSN 1075-2234

SPRING 2015

PRESIDENT'S MESSAGE

Welcome to the Spring 2015 edition of *Executive Exchange*. I hope all are doing well and have survived the brutal winter, especially our members in the northeastern United States. I know all of us are looking forward to spring and the warmer weather and longer daylight hours that it brings.

I would like to congratulate Jim Cosby on his appointment as Director of the National Institute of Corrections. Director Cosby has extensive knowledge of community corrections and we – NAPE – look forward to working with him and the National Institute of Corrections to advocate for the transformation of the criminal justice system.

An associate of mind – Sam Parker, Give-more.com – said that, “with awareness comes responsibility.” We – NAPE – are aware that we need to educate our stakeholders on the science of evidence based practices, collaborate with other agencies, and advocate for the offenders under our custody and supervision.

The use of evidence based practices has been around for years in community corrections; however, in some jurisdictions the utilization of these practices is under attack, especially our usage of assessments. We need to educate all that the use of a valid risk instrument is the cornerstone of evidence based practices. As you are aware, it allows us to supervise cases in the proper level of supervision, and is instrumental in the development of a case/treatment plan. While not the intent, it has also been used at the presentence phase to divert offenders from the criminal justice system. We, as a profession, need to stress the importance of utilizing evidence based practices, as it is core to our fundamental beliefs of reducing recidivism, fewer victims, and less crime.

We need to continue to work collaboratively with other stakeholders. Vice President Ron Schweer and I were in Washington, D. C., on March 5, 2015, at the National Institute of Corrections’ Community Corrections Collaborative Network (CCCN) meeting. This network serves as a forum to



develop and work the emerging issues, activities, and goals of the community corrections field. We had discussions about the Affordable Care Act and its impact on treatment services and community supervision, and we also discussed the impact of Proposition 48 in the California criminal justice system. I was very impressed with this high level communication, and it reinforced my belief that working together/collaboratively we can advance the work of community corrections. Locally, it is important to continue to establish working relationships with the judiciary, prosecuting attorneys, defense attorneys, non-profits, social service agencies, and others – because there is strength in our collaboration.

I was very impressed with this high level communication, and it reinforced my belief that working together/collaboratively we can advance the work of community corrections. Locally, it is important to continue to establish working relationships with the judiciary, prosecuting attorneys, defense attorneys, non-profits, social service agencies, and others – because there is strength in our collaboration.

We must become advocates of the offenders that are under our custody and supervision and target programs that are not evidence based and are not addressing criminogenic needs. These programs are doing more harm than good and our offenders suffer or recidivate based on these low/non-performing programs. We must also advocate for proper sentencing and reduce the number of special conditions that are being imposed by the Courts. We know (evidence) the more special conditions that are imposed, the more likely is the chance the offender will recidivate.

This current issue of *Executive Exchange* contains a wealth of information about practices, programs, and challenges in community corrections. Please share this publication with colleagues and advise them of the benefits of a NAPE membership. As I mention before, we can achieve more by working and networking collaboratively.

We all have difficult jobs, with various pressures; however we can’t allow the difficulty or pressures get in the way of doing the right things. We must continue to lead, and be BOLD.

Marcus M. Hodges
President

CONTENTS

President’s Message, <i>Marcus M. Hodges</i>	1
Report from the Executive Director, <i>Christie Davidson</i>	2
Syncing GPS with New Directions in Managing Offender Change: Behavioral Economics and the Promise of Evidence-Based Technology (EBT), <i>Ronald P. Corbett, Jr., Ed. D. and April Pattavina, Ph. D.</i>	3
Reentry Services: Less About Risk and More About Needs?, <i>Donald G. Evans</i>	7
Describing Leadership, <i>Randy Garner, Ph.D.</i>	9
An International Perspective on the Issue of Conditional Discharge, <i>Donald G. Evans</i>	11
Prerequisites for Early Conditional Release in the Polish Criminal Law, <i>Magdalena Niewiadomska-Krawczyk, Ph. D.</i>	11
Grounds for Conditional Suspension of Sentence in Enforcement Proceedings, <i>Renata Pietruszka, LL.D.</i>	13
News from the Field	15

REPORT FROM THE EXECUTIVE DIRECTOR

REVISION OF THE CONSTITUTION APPROVED

When meeting in New Orleans last August, the NAPE Board of Directors spent considerable time reviewing the Association's constitution and approved changes in language to provide much needed updates and to reflect practice. These proposed changes were published in the Fall 2014 issue of *Executive Exchange*, and later that year, in compliance with the existing constitution, ballots were mailed to current paid members with the recommendation that the changes be approved.

We are pleased to announce that the proposed changes were approved by the membership. Thank you all who voted.

ANNUAL ACTIVITIES PLANNED FOR LOS ANGELES

Members of the National Association of Probation Executives are encouraged to attend organizational activities on July 11 and 12, 2015, at the Westin Bonaventure Hotel and Suites in Los Angeles, California.

Exclusive Members Reception

On Saturday, July 11, 2015, at 5:00 PM, the NAPE Members Reception will take place at the Westin Bonaventure Hotel and Suites; this event immediately precedes the 40th Annual Institute of the American Probation and Parole Association. Annual awards will be presented during the Members Reception.

Board of Directors Meeting

On Sunday, July 12, 2015, at 9:00 AM, the NAPE Board of Directors will meet at the Westin Bonaventure Hotel and Suites to conduct organizational business.

Additional information will be forthcoming regarding specific room assignments for these two events. If you have any questions, feel free to contact me at davidson@shsu.edu.

Christie Davidson
Executive Director

INFORMATION ABOUT EXECUTIVE EXCHANGE

Executive Exchange, the journal of the National Association of Probation Executives (NAPE), publishes articles, reports, book and periodical reviews, commentaries, and news items of interest to community corrections administrators. The contents of the articles or other materials contained in *Executive Exchange* do not reflect the endorsements, official attitudes, or positions of the Association, the Correctional Management Institute of Texas, or the George J. Beto Criminal Justice Center at Sam Houston State University unless so stated.

The contents of this issue are copyrighted. Articles may be reproduced without charge as long as permission is obtained from the editor and credit is given to both the author and *Executive Exchange*.

Submissions for publication consideration should be formatted for letter size paper, double-spaced, with at least one inch margins. Persons submitting articles, commentaries, or book reviews should enclose a brief biographical sketch or resume and a photograph for possible inclusion. Submissions may be sent electronically to probation.executives@gmail.com or by conventional mail to:

Dan Richard Beto
Editor, *Executive Exchange*
National Association of Probation Executives
P. O. Box 3993
Bryan, Texas 77805-3993

Specific questions concerning *Executive Exchange* may be directed to Dan Richard Beto at (979) 822-1273 or to Christie Davidson at (936) 294-3757.

The Correctional Management Institute of Texas at Sam Houston State University serves as the secretariat for the National Association of Probation Executives.

SYNCING GPS WITH NEW DIRECTIONS IN MANAGING OFFENDER CHANGE: BEHAVIORAL ECONOMICS AND THE PROMISE OF EVIDENCE-BASED TECHNOLOGY (EBT)

by

Ronald P. Corbett, Jr., Ed. D.

and

April Pattavina, Ph. D.

Introduction

Electronic monitoring (EM) has a well established place on the U. S. correctional landscape as a tool for supervising offenders living in the community. Statistics on the extent of EM use vary, but a recent projection estimated about 200,000 units in use (DeMichele and Payne, 2008). The use of EM technology is expected to grow considerably as more legislation is passed calling for expanded use of EM supervision for offenders. Most states have passed legislation governing the use of electronic monitoring technology and some call for lifetime monitoring of certain offender populations (Button et al., 2009). Compounding this trend is the high rate of incarceration that dominated criminal justice practices for 30 years, resulting in approximately 700,000 former prisoners being released each year into the community. Many of these people are in need of further supervision and support as they reintegrate into society. Criminal justice agencies are in need of new and creative developments to address the needs of this population.

Indeed, the market for EM technology is well positioned to support expansion. A 2009 market survey published by the *Journal of Offender Monitoring* reported details of various EM systems from over a dozen companies. The most commonly used types of electronic supervision technologies are radio-frequency (RF) devices used to monitor home confinement conditions and global positioning systems (GPS) for tracking geographic locations. Increasing the number of units available to correctional agencies for monitoring and tracking offenders is certainly one way to deal with the growing demand.

In this paper, we argue that this would be an overly simplistic solution that fails to take advantage of a renewed enthusiasm for rehabilitation, the emergence of evidence based practices to support offender change, and advances in mobile communications technology that make it possible to extend the scope of supervision practices to be consistent with new ways of thinking about how to manage offenders living in the community.

A Brief History of Electronic Monitoring of Offenders

Although the electronic monitoring of offenders is typically thought of as a relatively recent addition to the correctional toolkit, early prototypes were experimented with as far back as the early 1960s. At that time, Harvard researcher Ralph Schwitzgebel utilized a portable transmitter (“Behavior Transmitter-Reinforcer”) which could both identify the location of the offenders who participated in the experiment as well as provide a means for two-way communication. What is most interesting about Schwitzgebel’s work – and more than a little ironic given later developments – is that he conceived of this equipment and process as serving rehabilitative goals. The “BT-R” was intended to provide a means to send supportive messages to offenders and to

warn them of potential trouble if they found themselves in what we would now call “hot spots.” To understate the case significantly, Schwitzgebel and his colleagues were ahead of their times yet failed to gain any support. It seemed too weird and big brother-ish for the 60s zeitgeist (Burrell and Gable, 2008).

Some 20 years after this initial work, interest in EM grew out of some fledgling efforts in New Mexico, where an enterprising judge joined forces with a technologist from Honeywell to produce a first generation EM system. While EM experimentation went through the usual fits-and-starts, it eventually reached a critical mass of acceptance and has been a mainstay of correctional practice for at least the past 25 years. While it is difficult to get current and accurate counts of the number of offenders on EM, a 2008 estimate put the number at 200,000, an impressive number but still a small fraction of the roughly four million offenders under community supervision in 2013 (Herberman, and Bonczar, 2014).

The practice of EM since the 1980s has been a striking departure from Schwitzgebel’s vision. Both the radio-frequency version of EM (which establishes whether an offender is present or absent from a home base) and the later enhancement add-on utilizing GPS technology (which can track all movements of an offender) were instruments of surveillance and control, with no intentional efforts at positive behavior change (Pattavina et al., 2010). EM/GPS worked off of a pure deterrence approach, emphasizing detection of offenders in prohibited areas (close to the home of victims in the instance of domestic violence cases or, for sex offenders, near areas which children were known to congregate). In fairness, this enforcement oriented approach was not without benefit to the offender, for whom the alternative might well have been a period of incarceration, with the attendant negative effects of lost jobs, interrupted treatment programs, and ruptured family relationships. But gone from this technology was the added capacity, originally envisioned by Schwitzgebel, for facilitating offender change through communication.

New Perspectives on the Potential of EM

Not surprisingly, the general perception of the utility of EM was a reflection of the dominant correctional politics of the time. While the Cambridge Project may have suffered from coming forth in a time when the impact of state action on personal liberty and freedom was being roundly called into question by the radical politics of the 1960s, emerging EM technology of the 1980s was quickly seen as being in the service of a climate of opinion fearful of dramatically rising serious crime rates and policies favoring strict if not harsh sentencing. The notion of rehabilitation as a preeminent goal of corrections was badly damaged by a widely reported and equally widely misunderstood essay by criminologist Robert Martinson (1974) that reported rehabilita-

tion programs were a collective failure. This conclusion left the field open for mandatory sentences, intensive probation supervision, and “get tough” policies generally. This climate was hardly a fertile ground for reimagining the uses of consistently evolving EM devices that were improving in reliability and in operational features such as remote alcohol detection.

By the mid-2000s, however, with crime in dramatic decline and concern turning toward the costs – both financial and human – of the policy of “mass incarceration,” there was breathing room to return to the aspirations of those early pioneers in Cambridge.

New Wine in Old Bottles: Reviving Rehabilitation Through EM/GPS

In our view, corrections may have reached an inflection point in 2015, where the philosophy of punishment and enforcement, which has held sway since the late 1970s, may finally be giving way to a revival of the ethos of rehabilitation. New insights from better and widely disseminated research about “what works” and better analyses of the cost/benefits of prison versus community-based alternatives has, particularly in challenging fiscal times, led to “left-right” political support for rethinking the reliance on mass incarceration.

Simultaneously, new and better principles and instruments have been developed in community corrections. The wide spread adoption of the Risk-Need-Responsivity triad model, which provides for careful assessment of the likelihood of reoffending, criminogenic drivers in the offenders life, and the best suited mode of intervention, has led to a new generation of classification instruments that hold the promise of improved outcomes for probationers and parolees.

Our ideas are definitely informed by this new paradigm and hence we want to serve the purposes of the new ethos by transforming not the nature but the uses of extant technology, in the service of empirically established strategies. We believe that our conception of EBT will reduce reoffending among high and moderate risk offenders by this application and serve as a stand-alone benefit to low risk offenders who need help getting themselves better organized to meet the demands of a satisfying life.

Two significant articles (Burrell, 2008 and Pattavina, 2010) appearing in the last several years have pointed the way toward a reconceptualization of the utility of EM, promoting ideas in support of positive uses of the technology to aid efforts of offenders struggling to change their lives and create a productive future for themselves.

In “From B. F. Skinner to Spiderman to Martha Stewart: The Past, Present, and Future of Electronic Monitoring of Offenders,” Burrell and Gable envision an EM practice that incorporates the tenets of social learning and uses immediate contact with the offender to reinforce positive actions such as negative drugs tests and compliance with other conditions of supervision. In making this suggestion, the authors draw on the findings of other researchers who recommend changes in supervision practice that could reduce reoffending. In the Urban Institute’s 2008 publication *Putting Public Safety First*, the authors point to a line of research that validates the power of positive reinforcement in enhancing offender motivation and reducing recidivism. Other researchers referenced in the publication emphasize the importance of reinforcers being ap-

plied swiftly and consistently in the wake of positive behaviors in order to maximize their impact. It is also observed that while these principles are widely recognized as efficacious, there is little evidence (as of 2008) that they had been incorporated in community supervision practice.

Pattavina and her colleagues (2009, 2010) make the important point that there is a need to change the purpose of EM from the traditional emphasis on offender control to that of offender change. This observation no doubt grows out of the published evaluations of EM, which, as a whole, have been at best equivocal regarding impact on reoffending. What was characterized in 2008 as the “most comprehensive and rigorous meta-analysis of evaluation studies to date” indicated that EM did not stand out among a variety of community supervision interventions but did offer some effect on behavior as long as the monitoring was in effect (Renzema and Mayo-Wilson, 2005).

Pattavina et al. (2010) stress the force of EM in providing positive reinforcers on a “real time” basis, which is critical for success. Even among those probation and parole personnel who have been trained in and recognize the power of positive reinforcement, the impact is attenuated if those reinforcers are delivered during intermittent meetings, putting the praise or reward at some distance in time from the approved behavior, thus discounting the effect of the reinforcement. They also usefully enumerate a number of ways in which mobile contact with the offender through an EM link can serve multiple purposes: contacting offenders at risky times of day (for relapse); facilitating treatment by directing offenders to nearby programs (based on location monitoring); sending motivational messages intermittently to encourage pro-social behavior; and sending reminders of key meetings, job interviews, and treatment sessions.

In cognate fields, the power of positive support and communication has found considerable empirical support. Technologies supporting this perspectives are conceptualized as “persuasive technologies” (Fogg, 2003) which are communications technologies used to improve attitudes and motivations, thereby shaping behavior in a positive direction. In a 2014 review of 95 studies of persuasive technology, the authors found that 54.7% (52) of the studies reported positive results. Another 37.9% of the studies reported partially positive results, where some of the elements of the persuasive practice were successful. These experiments were conducted in contexts where the goal/ behavior to be changed involved health and exercise related domains, with a smaller group targeting education and learning outcomes (Harmari et al., 2014). Applications have been developed for use with persons suffering from substance abuse (Wang et al., 2013, McTavish et al., 2012). Preliminary evaluation research suggests that these applications hold promise for these populations (McTavish et al., 2012) and many offenders suffer from addiction. One important distinction that limits the application of these findings to EM is that in the studies reported here, the change goals were ones desired by the participants, which is not always the case with offenders.

A research review of Positive Behavioral Support (PBS), published in 2005, reviewed the impact of reinforcing strategies in the context of working with students with learning disabilities or challenging behavior (Allen et al., 2005). The review included 109 published articles, reporting results for 366 measurable intervention outcomes. All of the indicators were positive, with reductions of 80% or greater realized in 68% of the interventions.

Despite these encouraging results, the authors of the review point out that their own survey of current practice demonstrated that PBS was used in less than 20% of settings studied and that the treatments of choice were psychotropic drugs and restraints, two interventions that researchers have not found supported through experimental research. The authors summarize their findings memorably: “What works best is used least, and what works least is used most” (p. 8).

New Research in Behavioral Economics Offers New Support for EBT

Poverty is a demanding, stressful, depressive, and often violent state. No one seeks it; they are born or thrust into it. In poverty, the whole of your life becomes an exercise in coping and correcting, searching for a way up and out, while focusing today on filling the pots and plates, maintaining a roof and some warmth, and dreading the new challenge tomorrow may bring.

Charles Blow

New York Times columnist (2014)

For, when you are approaching poverty, you make one discovery that outweighs some of the others. . . . you discover the great redeeming feature of poverty: the fact that it annihilates the future. Within certain limits, it is actually true that the less money you have, the less you worry.

George Orwell

Down and Out In Paris and London (1933)

The idea of retooling GPS tracking technology to serve new, affirmative purposes finds additional support with the publication of a book by two prominent behavioral economists in 2014. *Scarcity: Why Having Too Little Means So Much*, by Sendhil Mullainathan of Harvard and Eldar Shafir of Princeton, delineates the psychological and cognitive effects of living in state where you have fewer resources than you need for adequate living. Experiments undertaken by the authors have at their core the notion of “focus” and how the ability to concentrate on the multiple demands of life are severely compromised in the face of having too little in the way of material goods. Those whose lives are defined by scarcity become single-minded – they can only attend to the immediate demands of getting through the day. This intense one-directional “focus” leaves no “cognitive bandwidth” available for other matters that also require attention. This condition diminishes insight considering future requirements, leading to a kind of “tunnel vision” that ignores obligations and duties and an array of important matters. We simply shut out the demands of life beyond meeting immediate needs. Scarcity also leads, in the authors’ findings, to impulsive, poorly considered actions, the inability to resist temptation, and a pervasive carelessness.

The authors are describing a condition that applies to the lives of many offenders under community supervision, whether they are on probation in an environment where jobs are scarce (Goffman, 2013) or on release from prison whereupon a felony record and the lost time involved in serving a sentence of even moderate length leaves the parolee adrift in a world where the nature of marketable job skills evolve rapidly, where he/she is

unable to manage the demands of working with new technology and machinery.

GPS applications could provide workable solutions to this condition. A system in which offenders wear GPS/cell phone equipment could provide the following potential antidotes to predictable failure: 1) notification by texts of appointments scheduled for that day; 2) warnings by text notifying offenders when geographic tracking indicates an offender is out of position in a way that could make them miss crucial meetings; 3) reminders by text of the importance of taking prescribed medications on time or being back to their residence to meet curfew obligations. There also exists the potential for notifications, employing GPS capabilities, of nearby AA meetings or job opportunities, GED classes and a host of similar service or treatment opportunities that could be helpful to offenders. Finally, there is the added benefit of positive reinforcements for adhering to their conditions.

In other words, GPS/cell communication could serve as a proxy for the kind of focus and mindfulness that those in the grasp of scarcity are missing. Casting back to the Orwell quote, those under community supervision by the state need to worry and a GPS/cell system can help them do that until they can learn to worry on their own.

As an offender’s material situations improves, a schedule of declining reminders could lead to self-monitoring capabilities that have the potential to build self-sufficiency. In the meantime, a successful system of reminders and notices could both prevent offenders from finding themselves in breach of their responsibilities to their probation and parole officer, preventing the toxic effects that flow from a period of incarceration for violating their probation or parole conditions, and promote improved health by staying with their medication schedule, while also providing useful information about positive opportunities in the community. None of this could be expected from those on their own and stuck in a condition of scarcity, unable to see beyond their immediate needs.

Organizational Preparedness

In a 2012 article reporting on innovative practices within non-profit agencies, Quinn and Wagner point out that organizations without the means to continually adopt the latest technology can nonetheless leverage existing, conventional technology to discover new ways of delivering services and attaining gains in efficiencies and effectiveness without incurring new and unsustainable costs. Recent research into successful innovation by human service agencies in Minnesota revealed that, by examining the untapped potential of the tools at hand and encouraging imaginative thinking, new operational gains could be made (Quinn and Wagner, 2012).

It is our contention in this brief article that correctional agencies – with the same financial limitations facing many non-profits – similarly can look to utilize already employed technology along with some new, affordable enhancements, to bring new possibilities for effectiveness in practice by linking the technology with principles of evidence-based practice as developed by leading researchers. Specifically, current GPS tracking technology has functionality not found as yet in any significant use in community corrections – functionalities that directly support well-established EBT as well as newly emerging research findings in behavioral economics.

References

- Allen, D., W. James, J. Evans, S. Hawkins, and R. Jenkins (2005). "Positive behavioral support: Definition, current status, and future directions." *Learning Disability Review*, April 10(2).
- Burrell, W. D., and R. S. Gabel (2008). "From B. F. Skinner to Spiderman to Martha Stewart: The past, present and future of electronic monitoring of offenders." *Journal of Offender Rehabilitation*, 46, 101–118.
- Button, D., M. DeMichele, and B. K. Payne (2009). "Using electronic monitoring to supervise offenders: Legislative patterns and implications for community corrections officers." *Criminal Justice Policy Review*, 20: 414-436.
- DeMichele, Mathew, and Brian Payne (2009). "Offender supervision with electronic supervision: community corrections resource." Office of Justice Programs, Bureau of Justice Assistance, Department of Justice, and American Probation and Parole Association, http://www.appanet.org/~web/docs/appal_pubs/OSET_2.pdf. Accessed 9/13/2010.
- Fogg, B. J. (2003). *Persuasive Technology: Using Computers to Change What We Think and Do*. Morgan Kaufman Publishers, San Francisco.
- Goffman, A. (2014). *On the Run: Fugitive Life in an American City*. University of Chicago Press, Chicago.
- Hamari, J., J. Koivisto, and T. Pakkanen (2014). "Do persuasive technologies persuade? – A review of empirical studies." In Spagnoli, A., L. Chittaro and L. Gamberini (Eds.). *Persuasive Technology*. Springer International Publishing, Switzerland.
- Herberman, E., and T. Bonczar (2014). *Probation and Parole in the United States, 2013*. U. S. Department of Justice, Bureau of Justice Statistics.
- Journal of Offender Monitoring (2009). "The 2008–2009 electronic monitoring survey." *Journal of Offender Monitoring*, (20), 1–2.
- Martinson, R. 1974. "What works?: Questions and answers about prison reform." *The Public Interest*, 35 (2), 22-54.
- McTavish, F. M., M. Y. Chih, D. Shah, and D. H. Gusafson (2012). "How patients recovering from alcoholism use a smartphone." *Journal of Dual Diagnosis*, 8(4), 294-304.
- Mullainathan, S., and E. Shafir (2013). *Scarcity: Why Having Too Little Means So Much*. Times Books. New York.
- Pattavina, April (2009). "The use of electronic monitoring as persuasive technology: reconsidering the empirical evidence on the effectiveness of electronic monitoring." *Victims and Offenders*, 4:385-390.
- Pattavina, A., K. Miofsky-Tusinski, and J. M. Byrne (2009). "Innovation in community corrections: From monitoring technology to persuasive technology." *Journal of Offender Monitoring*, Vol. 23, 4-9.
- Renzema, M., and E. Mayo-Wilson (2005). "Can electronic monitoring reduce crime for moderate to high-risk offenders?" *Journal of Experimental Criminology*, 1, 1-23.
- Schwitzgebel, R. (1967). "Electronic innovation in the behavioral sciences: A call to responsibility." *American Psychologist*, 22, 364–370.
- Solomon, Amy L., Jenny W. L. Osborne, Laura Winterfield, Brian Elderbroom, Peggy Burke, Richard P. Stroker, Edward E. Rhine, and William D. Burrell (2008). *Putting Public Safety First: 13 Parole Supervision Strategies to Enhance Reentry Outcomes*. The Urban Institute, Washington, D. C.
- Wang, K. C., M. T. Hung, C. H. Kao, A. C. Lin, C. A. Wang, C. W. You, C. H. Pan, M. C. Huan, C. M. Lian, and H. H. Chu (2013). *A Phone Based Support System to Assist Alcohol Recovery*. ACM Press, Paris, France.

Ronald P. Corbett, Jr., Ed. D., is a Lecturer and **April Pattavina, Ph. D.**, is an Associate Professor in the School of Criminology and Justice Studies at the University of Massachusetts at Lowell.

Dr. Corbett, a past President of the National Association of Probation Executives, is Project Director for the Robina Institute's Community Sanctions and Revocations Project, which will focus on nationwide practice in the area of parole and probation revocations.

One of Dr. Pattavina's research areas includes public safety laws and their influence on local police practices. Current work in this area involves research on the impact of domestic violence laws on the police response to domestic violence.

REENTRY SERVICES: LESS ABOUT RISK AND MORE ABOUT NEEDS?

by

Donald G. Evans

The development of effective and appropriate services for offenders returning to the community from prison is a critical task facing policymakers and practitioners in community corrections. When we look at the international scene, we find different words – “reintegration,” “resettlement,” and “reentry” – to describe the process of returning home from prison. It is interesting that these words emphasize a particular aspect of work with released offenders. The idea of “reentry” focuses on the entering into the community from prison, “resettlement” on the settling in of the offender in his or her community, and “reintegration” on integrating the offender into the community and losing the “offender” or “ex-offender” tag. All approaches to providing services to returning offenders involve dealing with issues of entry, settlement, and integration. Each aspect of this process has its own set of obstacles and barriers that require attention.

We are still a long way from the perfect answer to reducing reoffending and to finding solutions to some of the obstacles facing the released offenders and their efforts to “rehabilitate” themselves. Currently we are obsessed with public safety, a public good that is essential, but it dominates our thinking and sometimes prevents us from looking at other options to improve our service delivery models that might bring about better outcomes. Maybe we need to concern ourselves less about risk and more about the needs of the offenders returning to the community. It might also help us to examine what is happening in other places or countries and to see how they are addressing the issue of released offenders and the reduction of reoffending – not because they have the perfect answer but in order to see our approaches with different lenses.

The United Kingdom’s Transforming Rehabilitation Strategy

In 2013, the U. K. Ministry of Justice introduced its Transforming Rehabilitation Strategy, which has created considerable dialogue and discussion as well as dissent. The Ministry also conducted a number of reports and studies that have paved the way for the rollout of the strategy in April 2015. The strategy plans to reduce reoffending by making the following changes:

- Offenders serving less than 12 months imprisonment will be subject to statutory supervision;
- Support and supervision of low- and medium-risk offenders will pass from the probation service to voluntary and private-sector providers commissioned through Regional Community Rehabilitation Companies;
- Higher risk offenders will be supervised by a new national probation service;
- Offenders serving short sentences and those with fewer than three months on their sentence will be held in resettlement prisons close to where they will be released;
- Resettlement services should be organized on a “through-the-gate” basis;
- There will be a greater use of mentors in the resettlement process;

- Providers are to be paid in part according to the outcomes achieved in reoffending reduction.

Just from this outline of the strategy, one can see how ambitious this endeavor is and also why it has received both pro and con commentary.

The Resettlement Provision for Adult Offenders Review

As part of the preparation for the April 2015 launch of the Transforming Rehabilitation Strategy, the Inspectorate of Prisons and Inspectorate of Probation and Ofsted jointly conducted a thematic review of the resettlement provisions for adult offenders, with special attention given to offenders’ accommodation and education, training and employment needs. *Resettlement Provision for Adult Offenders*, completed in September 2014, produced a number of findings and some critical lessons that should provide assistance to the development of programs for the resettlement prisons and for the providers of services in the community.

The review provides us with an interesting checklist for comparing how our programs in North America measure up or still need attention. Key findings include:

- The importance of family as a significant player in reducing recidivism by providing temporary housing after release and as a means of securing employment;
- The need to sustain family relationships during imprisonment as well as involve family in sentence planning in order to ensure that the family support is realistic and sustainable upon release and that it can be managed by resettlement providers;
- The need for a better and more integrated and coordinated approach by both the prison and offender supervision staff when assessing accommodation and employment needs;
- The need to address offenders’ concerns about their ability to resist influences of other offenders when placed in a hostel upon release;
- The failure to adequately use private rental or social housing, when preparing for release, due to difficulties connecting with agencies external to the prison and an inability to secure a bond and appropriate references;
- A need for supported housing, especially for young offenders or older institutionalized offenders who lack the skills for independent living;
- The fact that accommodation and employability are interlinked, creating a need to include education, training, and employment assessment by professionals in the development of the sentence rather than relying only on the offender’s view of his or her employability;
- Recognition that although family is an important part of the release plan, there are still offenders who do not have family support and will require the use of mentors who can provide structured social support and practical assistance.

The Importance of Community Stabilization

The report's observations capture the unique challenges facing the offender upon release and deal with the main issues that need to be addressed if reentry into the community is to be successful. We can look at this important phase as providing the basis for an adequate community stabilization activity. Experience has shown that whether released from prison directly or from a halfway house, the need for community stabilization in terms of accommodation and employment is critical. A successful reentry paves the way to settling in, and case managers will be able to address some of the other criminogenic needs of the offender; as experienced practitioners know, when an offender is not worried about where to sleep and is earning an income to feed and clothe him or herself, he or she then has the freedom to address other programmatic offerings.

As the offender approaches the end of statutory supervision, it is important that the process of integration is well underway. The goal should be to have the offender in sustainable employment and accommodation, with family or other prosocial supports, and connected to whatever social agency assistance may still be required – a tall order because there is still unfinished business that carries over after the supervision period ends. This may call for community correctional service providers to find the means to supply post-supervision assistance.

Integration is crucial to the offender's maintaining his or her path to desistance from crime. Assuming that the goals of reentry and resettlement have been met, the next step is engaging the community in acceptance of the individual and encouraging family and other social supports (relationships) that will sustain the drive toward desistance from crime. Community acceptance is a significant challenge, especially in the current climate of fear of habitual criminals that is constantly stirred up by media reports of sensational crimes. In addition, the entry and settlement phases are usually managed by correctional professionals, whereas the continuing work of desistance must be carried out by local community mentors, volunteers, and other non-correctional citizens. Community correctional agencies need to provide leadership by encouraging more research and analysis regarding the transition from a period of community supervision and post-supervision.

If the twin goals of community correctional programming are reducing reoffending and promoting desistance from crime, we are going to have to pay more attention to what is entailed in engaging the community and in improving our correctional practice. On the issue of correctional practice, we must begin the preparation for release to the community in the prison and make sure that programming supports the offender in preparation for reentry into the community.

Key Lessons

A summary of the lessons learned by the writers of the *Resettlement Provision for Adult Offenders* indicates areas of work required to make the transition from prison to the community effective. Briefly, the review considered the following lessons critical:

- The importance of including families in the sentence planning process;

- Ensuring a more integrated approach among the various service providers, such as accommodation and employment, training and education;
- Making sure that specialized offender groups such as the young and the older offenders are able to access the necessary services and resources required to meet their needs;
- The importance of accommodation as critical to securing employment and sustaining long-term change;
- The need to ensure that education, training, and employment opportunities in custody are relevant to the planned community reintegration of the offender.

These lessons are almost universal in that the interface between institutions and the community are important links that need to be maintained and improved. It is also interesting that in reading this report, you find less discussion of risk and much more emphasis on key need areas that facilitate the offender's success on supervised release and eventually on a pathway to desistance. This is the best possible outcome and promotes community safety. An overemphasis on managing risk by surveillance and monitoring tends to keep offenders in the criminal justice system longer and impedes real public safety. It is important that we put greater effort in working with offenders while on supervised release and that we undertake to examine the post-supervision needs of individuals so as to assist the desistance process.

Looking at what is happening in other jurisdictions is key to helping us see our own services and find ways to improve or enhance our own approaches. It is also a safeguard against tunnel vision and helps us remove blind spots in our own perspectives of what we are doing.

An Invitation to Join in the Global Discussion on Offender Supervision

The *Journal of Community Corrections* and *Executive Exchange* will continue to seek articles from international and national authors on community corrections. We encourage community correctional practitioners to submit articles about their efforts to reduce reoffending and promote desistance from crime.

We welcome articles from both academics and practitioners on timely topics related to community corrections.

Donald G. Evans of Toronto, Ontario, Canada, a past President of the American Probation and Parole Association and the International Community Corrections Association, is Executive Editor of the *Journal of Community Corrections*; he is also a Contributing Editor of *Executive Exchange*.

This text is reprinted with permission from Donald G. Evans' "Editor's Note" in the *Journal of Community Corrections*, Vol. 4, No. 2 (Winter 2015). Copyright © 2015, Civic Research Institute. For more information about the *Journal of Community Corrections*, visit <http://www.civicrosearchinstitute.com/jcc.html>.

DESCRIBING LEADERSHIP

by

Randy Garner, Ph.D.

Leadership has been a topic of interest and study for centuries. In ancient times those who saw themselves as leaders often consulted with the Oracle of Delphi to gain insight into their leadership role and for discernment regarding the decisions they were considering. In reality, the study of leadership is as old as civilization itself. Leaders were both shaped by the advance of civilized order and those who rose as leaders helped to shape its development. Yet despite this long history, practitioners and scholars alike have struggled with the conceptualization of leadership for decades (Bass 1990; Conger & Riggio, 2006). Those in applied areas have provided countless characterizations of leadership and more than 100 formal definitions of leadership have been developed over the years in the academic community (Garner, 2009). Somewhat ironically, Bennis (1959) long ago identified that “probably more has been written and less is known about leadership than about any other topic in the behavioral sciences” (pp. 259-301). Fiedler (1971), who research leadership issues for decades, famously suggested that there were likely as many definitions of leadership as there were theories; and there were probably as many theories as there were researchers studying the topic.

Adequately describing and defining leadership has been elusive at best. Our approach has often been somewhat analogous to United States Supreme Court Justice Potter Stewart’s remarks in which he indicated that though he could not adequately define pornography, he stated “I know it when I see it” (*Jacobellis v. Ohio*, 1964), so too many claim to be able to

identify leadership when they see it. However, because of the complexities involved and the varying situational influences that are encountered, a narrowly-focused and widely accepted definition of leadership is likely not practical. What is identified as leadership can encompass many facets, including issues of experience, respect, emotional intelligence, communication abilities, people skills, vision, discipline, open mindedness, credibility—just to name a few (Garner, 2014). Some researchers have associated leadership with a collection of acquired abilities and skills (see Hughes, Ginnett, & Curphy, 2015; Northouse, 2015). However, current research suggests that the complexity of what we call ‘leadership’ likely involves something beyond a skill set, specific abilities, or an increasing knowledge base. It is something more—involving elements such as one’s temperament, one’s character, one’s emotional make-up, or one’s ability to cope with change (Garner, 2014).

One approach to describing leadership focuses on the outcome of the leadership interaction. Though leadership can be defined in varying ways, it is important to consider the influence of fluctuating context, interactive factors such as who is being led, and shifting situational effects. Additionally, when developing a generalized definition of leadership it may be instructive to insure that it is sufficiently broad to cover many of the areas in which leadership occurs. Once such definition to consider when attempting to capture this concept is as follows: “In any relationship, leadership is the process of influencing the D.E.B.T. (development, education, behavior, or thinking) of

NAPE LISTSERV AND WEBSITE

Members of the National Association of Probation Executives should feel free to use the NAPE Listserv to pose questions or share information about relevant topics in the administration of community corrections agencies. Members wishing to send out information on this exclusive service may address emails to nape_members@shsu.edu.

At present there are over 200 members registered on the NAPE Listserv. Members who are not receiving this service but who want to be included should send an email to davidson@shsu.edu, indicating a desire to be added to the NAPE Listserv. In addition, members who would like to update their email addresses, or add a second email address, should feel free to do so.

In keeping with the Association’s policy not to accept advertisements in its publications, the NAPE Listserv will not, as reasonably possible, be used to promote products or services.

If you have not done so recently, please visit the NAPE website at www.napehome.org.

another; often toward the accomplishment of a goal” (Garner, 2008). This definition both captures what has been called the “two pillars of leadership” (relationship and influence) and is sufficiently broad to cover a wide variety of leadership events and scenarios. One difficulty from which many definitions of leadership suffer is to narrowly limit the scope of the term almost exclusively to formal work-related events or office-base situations. As history has demonstrated, leadership can occur in all aspects of our lives and in a wide-ranging assortment of circumstances. Leadership is not just related to the influence that occurs in our work relationships; it occurs in our homes, in our civic groups, and in our faith communities. Individuals fulfill many roles in life and within those roles, whether they be at the office or within one’s home, the opportunity for leadership can occur. For example, we exhibit leadership in our homes in raising our children. Clearly, within the relationship of the family, dedicated parents strive to influence the development of their children. So too they seek to impact the education, behavior, and thinking of their child. That is what parenting is all about . . . and that, by definition . . . is leadership.

References

- Bass, B. M. (1999). “Two decades of research and development in transformational leadership.” *European Journal of Work and Organizational Psychology*, 8(1), 9-32. doi: 10.1080/135943299398410.
- Conger, J. A. and R. E. Riggio (2006). *The Practice of Leadership*. Wiley & Sons.
- Dinh, J. E., R. G. Lord, W. L. Gardner, J. D. Meuser, R. C. Liden, and J. Hu (2014). “Leadership theory and research in the new millennium: Current theoretical trends and changing perspectives.” *The Leadership Quarterly*, 25(1), 36-62. doi: 10.1016/j.leaqua.2013.11.005.
- Garner, R. (2009). “The leadership paradox.” *SWJLE*, 10(2).
- Garner, R. (2014). “Leadership: What is leadership?” *Key Issues*, Vol. XVIII, No. 3.
- Hughes, R., R. Ginnett, and G. Curphy (2015). *Leadership: Enhancing the Lessons of Experience*. McGraw-Hill/Irwin.
- Northouse, P. (2015). *Leadership: Concepts and Practices*. Sage.



Randy Garner, who holds two doctorates, is a Professor of Behavioral Sciences and former Associate Dean in the College of Criminal Justice at Sam Houston State University (SHSU). Dr. Garner also served as founding Director of the Texas Regional Community Policing Institute and as Executive Director of the Law Enforcement Management Institute of Texas. Prior to coming to SHSU, Dr. Garner was the Associate Director of Behavioral Medicine at the University of Houston. Before entering academia, Dr. Garner served in all divisions and levels of command, including as a Police Chief, in his 30 year career in law enforcement. Dr. Garner has authored numerous books and professional publications with particular emphasis in the areas of social influence, persuasion, and leadership. In addition, Dr. Garner is the Editor-in-Chief of *Applied Psychology in Criminal Justice*, an interdisciplinary, peer-reviewed, academic journal that examines the social and psychological aspects of human behavior as related to applied societal and criminal justice settings.

Dr. Garner will be contributing articles on the subject of leadership in future issue of *Executive Exchange*.

AN INTERNATIONAL PERSPECTIVE ON THE ISSUE OF CONDITIONAL DISCHARGE

The following two articles from Poland concern issues related to the conditional discharge of offenders from prison. In a number of countries the issue of how to guarantee public safety is becoming a major part of legislative activity.

Canada's government announced changes to the eligibility for parole for life sentenced offenders in a bill referred to as "life means life," notwithstanding that the current legislation provides adequate public protection. There are other examples of what appears to be an effort to find solutions that will or should be in sync with human rights legislation.

Readers are invited to enter this debate by submitting articles about efforts in their own jurisdictions.

Donald G. Evans
Contributing Editor

PREREQUISITES FOR EARLY CONDITIONAL RELEASE IN THE POLISH CRIMINAL LAW

by

Magdalena Niewiadomska-Krawczyk, Ph. D.

Early conditional discharge is one of the institutions associated with the submission of an offender under probation, next to conditional discontinuance of the proceedings and the conditional suspension of a penalty. Application of this institution leads to shortening the residential time of the convict in prison and allowing the offender to operate within the prescribed period and under certain conditions, within the framework of the so-called controlled freedom.

Conditional discharge has a long history in the Polish penal law. The first regulation on this subject comes from 1927¹. Since 1932 this institution was comprehensively regulated by the rules of criminal codification, respectively from in the years 1932, 1969, and 1997². Now early conditional discharge is regulated in part by the provisions of the Criminal Code – Art. 77-82 (conditions of conditional discharge, probation period, the effects of the positive course of the probation period), and in part by the provisions of the Executive Penal Code – Art. 159-163 (adjudica-

tion of supervision, defining the requirements for the probation, the procedure for the conditional release).

Since the beginning when conditional discharge became part of Polish law, its applicability is determined by the fulfillment of two conditions together – formal and material.

The former, currently regulated in Art. 78 of the Criminal Code, indicates the bare minimum for a sentence, which an offender is required to serve in order to be eligible to apply for early conditional discharge. Because of the adopted subject matter of this paper it will not be the subject of analysis.

The second condition is related to the establishment of the so-called positive criminological (social) forecast, which will allow the court adjudicating on conditional release, to assume that despite not serving the sentence in its entirety, a convict, after release from prison, will observe the legal order, in particular will not commit any crime again³. This condition requires attention because of several reasons. First, it is evaluative in nature, and its correct form has a significant impact on whether or not the institution of conditional discharge will fulfill its assigned functions related to criminal and penitentiary policy⁴.

It must be emphasized that early conditional discharge is optional in its nature. This means that the fulfillment of conditions by a convict, including, above all, formal prerequisites, does not imply that a convict acquires the right to early conditional discharge⁵.

According to Art. 78 § 1 of the Penal Code, the rule is that a person sentenced to a term of imprisonment is subject to parole after serving at least half of the sentence. The Act imposes greater demands on repeat offenders and multi-repeat offenders⁶, providing for the possibility of parole after serving 2/3 and 3/4 of imprisonment respectively (Art. 78 § 2 of the Penal Code).

1 Regulation of the President of the Republic of Poland dated 19th January, 1927 on early release of persons imprisoned, *Journal of Laws of the Republic of Poland*. No. 5, item 25. Previously, i.e. after regaining its independence, the Republic of Poland did not have its own criminal law. The law in question was known in various districts of Poland in the shape in which it was regulated by the laws of the partitioning powers i.e. - Russian Criminal Code of 1903 (with amendments imposed by the provisions of 1917 - former Congress Kingdom, Criminal Law Act on crime, misdemeanors and exceedances of 1852 – the former Austrian partition; Penal Code for the German Reich from 1871 - the former Prussian partition, see. S. Lelental [in:] *The system of criminal law*, Volume 6, Penalties and punitive measures, M. Melezini (ed.), pp. 1064 et seq.

2 W. G. Rodakiewicz, *The origin and legal nature of parole of juvenile offenders*, [in:] *The new codification of the criminal law*, Volume VII, Bogunia L. (ed.), Wrocław 2001, p.192. Additionally, in post-war years the following laws governing this matter were issued: the Act of October 31st, 1951 on a parole of persons serving prison sentences (*Journal of Laws* No. 58, item. 399), Act of May 29th, 1957 on conditional release of persons serving prison sentences, (*Journal of Laws* No. 31, item. 134), Act of February 17th, 1960 on amendments to certain provisions of the Act of May 29th, 1975. on conditional release of persons serving prison sentences, (*Journal of Laws* No. 11, item. 69).

3 Art. 77§ 1 k.k.

4 J. Lachowski, *Material premise for conditional early release on the grounds of the Criminal Code*, *Prok. I Pr.* 2008, No. 11, p. 36.

5 A. Zoll, *Commentary to the Criminal Code*, Lex 2004.

6 According to Art. 65 § 1 Penal Code provisions on a multi-recidivist, including the scope of prerequisites of conditional release they should be correctly applied also to criminals who made committing crimes a permanent source of income, committed a crime by acting

It is noteworthy that the provisions in question in its original version⁷ additionally provided that parole cannot be granted earlier than after the completion of at least 6 months imprisonment (one year in case of repeat offenders). Therefore, the convict could be conditionally released after serving half the sentence of imprisonment (respectively 2/3 and 3/4 of penalties), however, not earlier than after 6 months (after one year in the case of repeat offenders). This meant the lack of possibility of extending the institution of parole over short-term penalties, up to 6 months imprisonment⁸ (a year in the case of repeat offenders).

Polish Penal Code specifies separate formal conditions for parole in the case of long-term penalties. According to Art. 78 § 3 of the Penal Code, a convict sentenced to 25 years imprisonment may be conditionally released after serving 15 years imprisonment while sentenced to life imprisonment, after serving 25 years in prison.

It is worth mentioning yet another formal restriction relating to parole. The provision of Art. 77 § 2 Penal Code states that “in particularly justified cases, the court imposing an imprisonment sentence may set more stringent restrictions towards parole than those provided for in the Act.” This leads to the possibility of establishing a higher threshold (regardless of the minimum statutory thresholds for serving the sentence) by the court issuing the ruling⁹. This modification cannot disable a person sentenced to imprisonment from applying for parole, as well as lead to the alleviation of statutory thresholds.

As a result of changes in the criminal law the material condition has evolved into its shape as specified by Article 77 § 1 of the Criminal Code.

First, it should be noted that a constructed criminological forecast towards a convict is supposed to justify the conviction of the court that despite an early release from prison, a convict will respect the legal order, in particular, will not commit a crime again. It means nothing other than the assumption that even though a sentence has not been fulfilled in its entirety, for a particular convict goals of serving punishment were achieved. It should be recalled that at that stage of sentence adjudication, the court takes into account both objectives – individual and preventive and general and preventive (Art. 53 § 1 Criminal Code)¹⁰. At the stage of execution of imprisonment only the objective of an individual prevention plays an important role, which follows directly from the content of Art. 67 § 1 of the Executive Penal Code¹¹.

in an organized group or an association aimed to commit a crime and to a perpetrator of a terrorist offense.

7 Before the amendments made by the Act of 5th November, 2009 (Journal of Laws No. 206, item. 1589), which entered into force 8th June, 2010.

8 G. Łabuda [in:] J. Giezek (ed.), *Penal Code, General Part. Commentary*, Warsaw 2007, p.539.

9 W. Wróbel, A. Zoll, *Polish criminal law, general part*, ed. Znak 2012, p. 493.

10 Art. 53 § 1 of the Penal Code the Court rules the punishment in its discretion, within the limits provided for by law so that its severity does not exceed the degree of guilt, taking into account the social harm caused and the objectives for prevention and education, which the punishment is to achieve in relation to a convict, and if there is the need also for development of legal awareness of the society.

11 Art. 67 § 1 of the Executive Penal Code, Execution of the sentence of imprisonment is to evoke in convicts the will to cooperate in the development of the socially desirable attitudes, in particular, a sense of responsibility and the need to respect the law and thus refrain from re-offending.

A comparison between the two provisions, in connection with Art. 77 § 1 Criminal Code¹², leads to the conclusion that the decision on conditional release is dependent on achieving a particular preventive objective in the form of a need to respect the law and refrain from returning to crime. It must therefore be preceded by a reasonable assumption that penalty execution has formed in a convict the need to avoid a path of crime¹³.

The existing Criminal Code, therefore, precludes the possibility of refusing conditional discharge to a convict due to an assessment that the objectives have not been achieved in terms of social impact¹⁴.

In the doctrine it is still disputed whether the discussed institution should be treated as an exception to serving a sentence imposed in its entirety or should it be a principle and be used without special restrictions¹⁵. Adoption of the first position can lead to rationing the institution with the greatest caution¹⁶ and relying on the basics of justification not always included in the content of Art. 77 § 1 Criminal Code. While the second is to facilitate its frequent use, however, can lead to applying conditional discharge as a regulator of prison population¹⁷. At this point again we must appeal to the settled in the doctrine belief in the rationality when applying the institution of conditional discharge.

In the Criminal Code of 1932 (Art. 65 § 1) the behavior of the convicted person while serving a sentence and personal conditions of the convict were the basis of forming criminological forecast.

The Criminal Code of 1969 added personal properties of a convict to these elements, lifestyle before the offense and the behavior after committing the crime, which increased the number of items up to five.

The Criminal Code in force provides for up to eight prognostic factors. These include: convict's attitude; convict's personal characteristics; convict's personal conditions;

convict's lifestyle before the offense; circumstances of the crime; behavior of the convicted person after the commission of the offense; behavior of the convicted person while serving a sentence; and agreement concluded as a result of mediation.

According to Stefan Lelental, all prognostic factors are set out in the Criminal Code on such a high level of abstraction that the lack of interpretation and relying only on the form in which they are specified in the regulation excludes all fairness of adjudicating and makes supervision over instance rulings difficult¹⁸.

First, consideration should be given if it proves reasonable to maintain such a large number of prognostic factors when their

12 Art. 77 § 1 of the Penal Code, the court may conditionally exempt from serving the remainder of the sentence the person sentenced to imprisonment, only if their attitude, personal characteristics and conditions, circumstances of the crime and their behavior after committing a crime and during their imprisonment justify the belief that the convicted after release will follow legal order, especially will not commit the crime again.

13 J. Lachowski, *Premise ...*, p. 42.

14 S. Lelental, *System of criminal law ...*, p. 1067.

15 Z. Holda, K. Postulski, *Executive Penal Code. Commentary*, Gdańsk, 2005, p.531.

16 See. G. Wiciński, *Commentary on the provisions of the Appeal Court in Kraków of 19th December, 2006.*, Ref. II Akzw 984/06, PWP, no. 56-57, Warsaw 2007, p. 279.

17 Compare K. Postulski, *Status of the attorney general in enforcement proceedings*, Prok. I Pr. 2001, no. 12, p.50.

18 S. Lelental, *Submission of a delinquent to probation*, p. 1096.

ranges overlap or it is difficult to identify their content, because it does not allow in practice for the correct structuring of criminological prognosis.

Above all, it should be noted that the cumulative assessment of prognostic factors does not mean the creation of clearly positive criminological forecasts, allowing the inclusion of all elements equally. Other factors will be decisive in the case of short-term sentences, others in the case of the sentenced to long-term penalties.

Uncertainty of the court as to the future conduct of the convicted person and lack of guarantee as to the observance of law cannot be an obstacle to the rational application of the institution of parole.

Magdalena Niewiadomska-Krawczyk, Ph. D., is Assistant Professor in the Department of International Criminal Law at the University of Łódź in Łódź, Poland.

GROUNDS FOR CONDITIONAL SUSPENSION OF SENTENCE IN ENFORCEMENT PROCEEDINGS

by

Renata Pietruszka, LL.D.

Under the Polish law conditional suspension of sentence is one of the criminal law responses to crime. The Criminal Code¹ mentions: penalties, punitive measures and measures relating to subjecting the perpetrator to probation, and here, the act mentions conditional suspension of sentence. As a rule, this measure is used in the proceedings before trial courts. Its essence is that the court announces a sentence and simultaneously conditionally suspends its execution for a trial period which determines the fate of the offender; in the event of compliance with the conditions of the trial period the conviction becomes spent, while a failure to comply with the conditions of the trial period results in the order to execute the sentence. Executive Penal Code², as an exception, allows the possibility to use said measure in the enforcement proceedings. It concerns the cases where imprisonment is (originally) adjudicated as imperative (without the conditional suspension of its performance), but its execution is deferred, and after the period of deferral the conditional suspension of sentence ensues. It is this solution, provided for in Article 152 of the Executive Penal Code, that shall constitute the subject of further consideration.

According to said provision, “if the deferral of a sentence not exceeding two years of imprisonment lasted for at least one year – the court may conditionally suspend the execution of the sentence under the provisions of Article 69 - 75 of the Penal Code”. Provisions of Article 152 of the Executive Penal Code clearly state that this measure may apply in certain circumstances, i.e. (1) only with regard to imprisonment, (2) not exceeding two years, (3) and only when the execution of the sentence was deferred, and (4) the deferral period was at least one year.

Thus the punishment the implementation of which may, based on this provision, be conditionally suspended, concerns only imprisonment³.

The literature and case law recognize that this may also be the penalty, the execution of which was conditionally suspended by the judgment of the court which subsequently ordered its execution, also where the order of execution of the sentence was mandatory⁴. This construction seems to be correct as it allows an individual approach to offenders. However, “it is impossible [...] to ignore the fact that the person convicted having already benefited from the conditional suspension of sentence, is the only person whose actions may lead to its implementation,” “it should be the court’s role in this situation to determine to what extent the behavior of the person convicted – following the deferral of the sentence – allows to reasonably assume that he or she changed his or her behavior, and to what extent his or her attitude allows to conclude that in spite of failure to execute the sentence its objectives shall be achieved”⁵.

Regarding the second of the conditions mentioned above, it is agreed that it concerns a penalty of the period (up to 2 years) in the judgment, not a part of the sentence to be executed (e.g. after including as a part of the sentence a period of detention, discharge of a part of the sentence, mitigation of punishment or in case of cancellation - conditional early release)⁶. This construction is supported, according to S. Leleńtal, by the content of Article 69 § 1 of the Penal Code which is referred to by Article 152 of the Executive Penal Code, and that mentions the adjudicated imprisonment⁷.

¹ The Act of 6 June 1997. - Kodeks karny (Dz. U. 1997 No. 88, item 553, as amended.), hereinafter referred to as the Penal Code (k.k.)

² The Act of 6 June 1997. - Kodeks karny wykonawczy (Dz. U. 1997, No. 90, item. 557, as amended.), hereinafter referred to as the Executive Penal Code (k.k.w.).

³ It is worth noting that in the course of proceedings, the court may conditionally suspend the execution of not only imprisonment but also non-custodial penalties, i.e. restriction of personal liberty and fine (Article 69 § 1 of the Penal Code).

⁴ Cf.: Resolution of the Supreme Court of 15 April 1999. I KZP 6/99, OSNKW 1999, No. 5 - 6, item 30; decision of the Administrative Court in Lublin of 28 November 2007. II AKzW 867/07, LEX No. 357201, K. Postulski [in:] Z. Hołda, K. Postulski, *Kodeks karny wykonawczy (Executive Penal Code). Komentarz (Commentary), Gdańsk 2006, p.507.*

⁵ Cf.: Reasons for the Resolution of the Supreme Court of 15 April 1999. I KZP 6/99, OSNKW 1999, No. 5 - 6, item 30.

⁶ Cf.: e.g.: B. Czechowicz, *Warunkowe zawieszenie wykonania kary pozbawienia wolności w postępowaniu wykonawczym (Article 152 k.k.w.), Nowa Kodyfikacja Prawa Karnego, Volume VIII, ed.L. Boguni, Wrocław 2001, p. 321-330; S. Leleńtal, *Kodeks karny wykonawczy. Komentarz, Warszawa 2014, p. 474; K. Postulski, Gloss to the Resolution of the Supreme Court of 21 December 1999. (I KZP 45/99), OSP 2000, No. 5, K. 74; id., [in:] Z. Hołda, K. Postulski, *Kodeks ..., op. cit., p.509; Id., Stosowanie art. 152 kodeksu karnego wykonawczego, PS 2001, No. 7 - 8, p. 70.***

⁷ Cf.: S. Leleńtal, *Kodeks..., op. cit., p. 474.*

The construction of Article 152 of the Executive Penal Code also leads to the conclusion that it concerns one type of imprisonment – not exceeding two years, (also pronounced in a cumulative judgment), and not the sum of penalties which are not subject to cumulating, adjudicated in different judgments which the offender is to serve consecutively⁸.

The possibility of conditional suspension of a sentence of imprisonment on the basis of Article 152 of the Executive Penal Code exists when its execution was previously deferred. From the wording of this condition (“deferral of sentence [...] of imprisonment”) two conclusions can be driven.

First – Article 152 of the Executive Penal Code applies regardless of the reason and basis for the decision to defer⁹. It may be a deferral due to a mental illness or other serious illness preventing enforcement of the sentence, that is such a condition of the person convicted which in the case of placing him or her in a correctional facility may endanger his or her life or cause serious danger to his or her health (mandatory deferral - Article 150 § 1 and 2 of the Executive Penal Code). It may also be a deferral due to the fact that immediate enforcement of the sentence would have, with regard to the person convicted or his or her family, too serious results or a deferral due to overcrowding of prisons (optional deferral – Article 151 § 1 and 2 of the Executive Penal Code).

Second – the construction of Article 152 of the Executive Penal Code leads to the conclusion that its application is excluded when the reason for not carrying out the sentence was other than the deferral (suspension of enforcement proceedings – Article 15 § 2 of the Executive Penal Code; stay of execution of the judgment – Article 127 of the Code of Criminal Procedure¹⁰, Article 532 § 1 of the Code of Criminal Procedure, Article 545 § 1 of the Code of Criminal Procedure in conjunction with Article 532 § 1 of the Code of Criminal Procedure; stay of execution of sentence – Article 568 of the Code of Criminal Procedure), especially when the convicted person was evading serving a sentence¹¹. It seems, however, that in certain situations the person convicted should be given the opportunity to benefit from the provisions of Article 152 of the Executive Penal Code, also when the penalty was not executed – not as a result of a deferral – but the suspension of the enforcement procedure, justified by the same

premises as deferral, yet having a character of a long-term obstacle preventing the execution of a sentence (Article 15 § 2 of the Executive Penal Code)¹².

With respect to the fourth condition laid down in Article 152 of the Executive Penal Code, it should first be noted that the deferral may be adjudicated once or repeatedly with respect to a convict; deferral period is counted from the date of the first decision on the matter (Article 151 § 3 of the Executive Penal Code). It is assumed that it covers the periods specified in the decision (decisions) of the court regarding the deferral of a sentence (rather than the actual duration of the period the convict remains free)¹³. However, the Supreme Court decided that where an application for a further deferral was submitted before the end of the previous deferral time, the total deferral period also includes the period not covered by successive rulings¹⁴. The literature is dominated by the opposite view which excludes the possibility of including the period between the end of the previous deferral and the date of the subsequent decision concerning the deferral – in the period of deferral¹⁵.

Regardless of the occurrence of specific conditions stipulated in Article 152 of the Executive Penal Code, the provision also requires compliance with general conditions for the application of conditional suspension of a sentence, under Article 69 of the Penal Code (152 *in fine* the Executive Penal Code).

Therefore, the judge is primarily responsible for assessing whether the conditional suspension of sentence is sufficient to achieve the purpose of the punishment with respect to the perpetrator (convict), and in particular to prevent the repetition of the crime (Article 69 § 1 of the Penal Code) and, therefore, the judge is responsible for the determination of the so called positive social forecast of the perpetrator (convict). This forecast is to be based in particular on the analysis of his or her attitudes, personal characteristics and conditions, the current way of life and the behavior after the commission of the offense (Article 69 § 2 of the Penal Code). It should be noted here that in this case the process is to be limited to the evaluation of events that occurred only after the judgment, especially in the period of deferral of the sentence. The court in the enforcement proceedings cannot review the evaluation that led to the final judgment concerning imprisonment without conditionally suspending the sentence,

8 Cf.: K. Postulski, *Gloss to the Resolution of the Supreme Court of 21 December 1999* ..., op. cit.

9 Cf.: B. Czechowicz, *Warunkowe...*, op. cit., p. 321-330.

10 The Act of 6 June 1997. - Kodeks postępowania karnego (Dz.U.1997, No. 89, item. 555, as amended.), hereinafter referred to as the Criminal Procedure Code.

11 Cf.: Decision of the Supreme Court in Cracow of March 25, 1999 II AKz 96/99, OSA 1999, No. 11 - 12, item 90; Decision of the Supreme Court in Cracow of 31 January 2000.II AKz 24/00, KZS 2000, No. 2, item 31, resolution of the Supreme Court of 30 June 2008 I KZP 15/08, OSNKW 2008, No. 7, item 54; resolution of the Supreme Court of 24 May, 2011. II KK 329/10, OSNKW 2011, No. 8, item 75; and S. Leleńtal, *Kodeks ...*, op. cit., p.473 - 474; W. Baliński, *Ratio legis art. 152 k.k.w., Jurysta 2001, No. 10*; K. Postulski, *Gloss to the resolution of the Supreme Court of 21 December 1999 r. ...*, op. cit.; Id. [in:] Z. Hołda, K. Postulski, *Kodeks ...*, op. cit., p.508 - 509; Id., *Stosowanie...*, op. cit., p. 70.

12 Cf.: Resolution of the Supreme Court of 29 September 2004.I KZP 18/04, OSNKW 2004, No. 9, item 89; decision of the Administrative Court in Cracow of 29 September 2009. II AKz 836/09, OSA 2010, No. 4, p. 28 - 31; K. Postulski, *Gloss to the resolution of the Supreme Court of 29 September 2004.I KZP 18/04*, PS 2005, No. 7 - 8, p. 276; Id [in:] Z. Hołda, K. Postulski, *Kodeks ...*, op. cit., p.509; Id., *Stosowanie ...*, op. cit., p. 70.

13 Cf.: S. Leleńtal, *Kodeks...*, op. cit., p.473; K. Postulski, *Gloss to the resolution of the Supreme Court of 21 December 1999 ...*, op. cit.; Id [in:] Z. Hołda, K. Postulski, *Kodeks ...*, op. cit., p. 509.

14 Cf.: Resolution of the Supreme Court of June 30, 2008. I KZP 15/08, OSNKW 2008, No. 7, item 54; resolution of 7 Judges of the Supreme Court of 25 February 2009.I KZP 32/08, OSNKW 2009, No. 4, item 25; resolution of the Supreme Court of 11 January 2012. II KK 328/11, O SNKW 2012, No. 4, item 41.

15 Cf.: S. Paweła, *Gloss to the resolution of the Supreme Court onf 1 October 2007., VKK 270/07*, OSP 2008, No. 9, item99, K. Postulski, *Gloss to the resolution of the Supreme Court of 21 December 1999 ...*, op. cit.; Id, *Gloss to the resolution of the Supreme Court of 30 June 2008.I KZP 15/08*, Prok. i Pr. 2008 No. 12, p.160 - 166; Id., *Stosowanie ...*, op. cit., p. 70.

because it does not play here the role of another instance adjudicating the sentence.

The described measure cannot be used to reform the rulings passed by trial courts¹⁶.

It is also the duty of the court to determine whether the perpetrator has not been convicted under provisions referring to a special multiple repeated commission of crime, as defined in Article 64 § 2 of the Penal Code, or has not been convicted for hooliganism or for an offense listed in Article 178a § 4 of the Penal Code¹⁷. Indeed, if any of the following circumstances occurs, the conditional suspension of a sentence may only take place in exceptional, particularly justified cases (Article 69 § 3 and 4 of the Penal Code).

The grounds identified in the paper concerning the application of the described measure constitute a complete catalog. The provisions of Article 152 of the Executive Penal Code and Article 69 of the Penal Code do not provide a basis for the adoption of yet other grounds not mentioned therein. Therefore, such circumstances as poor health of the convict, the need on his or her part to provide care or difficult financial situation of his or her family may not constitute the (exclusive) reason for the decision

16 Cf.: Decision of the Administrative Court in Lublin of April 28, 2010.II AKzW 290/10, LEX No. 593382; S. Paweła, *Kodeks karny wykonawczy. Praktyczny komentarz. Warsaw 1999, p.341 - 342*; K. Postulski [in:] Z. Hołda, K. Postulski, *Kodeks..., op. cit., p. 506 - 507*; Id., *Gloss to the resolution of the Supreme Court of 21 December 1999 r., op. cit.*; Id., *Stosowanie ..., op. cit., p. 70*.

17 Concerns conviction for driving mechanical vehicles on land, sea or in the air under the influence of alcohol or narcotics, when the offender has previously been finally convicted for the offense against traffic safety committed under the influence of alcohol or narcotics or a crime of driving a mechanical vehicle under the influence of alcohol or narcotics, in the period of the driving ban ordered in connection with a conviction for the offense.

on conditional suspension of sentence under Article 152 of the Executive Penal Code¹⁸.

It should also be noted that this institution is optional, thus even when all the required premises are satisfied, the court is not obliged to apply it¹⁹.

The solution contained in Article 152 of the Executive Penal Code is positively assessed both in judicial decisions and in the doctrine. Attention is drawn to the fact that it is a sign of rationalization of the penal policy. The solution encourages prisoners to make efforts to change attitudes and behavior in such a way that it would be possible to achieve the penal goals without the execution of imprisonment, whilst providing a chance to assess the behavior of the person convicted after issuing a judgment²⁰. Conditional suspension of sentence is close to a very informal reward for good behavior of the person convicted during the period of deferral²¹. At the same time it is emphasized that the possibility, provided for in Article 152 of the Executive Penal Code, of conditional suspension of sentence is “an expression of deeply humanitarian content of the new Executive Penal Code, which gives the person convicted, at any stage of proceedings, the possibility of improvement”²².

18 Cf.: K. Postulski, *Stosowanie..., op. cit., p.70*.

19 Cf.: K. Postulski [in:] Z. Hołda, K. Postulski, *Kodeks..., op. cit., p.510*.

20 Cf.: Resolution of the Supreme Court of 15 April 1999. I KZP 6/99, OSNKW 1999, No. 5 - 6, item 30.

21 Cf.: T. Szymanowski, Z. Świda, *Kodeks karny wykonawczy. Komentarz, Warsaw 1998, p.348 - 349*.

22 Cf.: Resolution of the Supreme Court of 15 April 1999. I KZP 6/99, OSNKW 1999, No. 5 - 6, item. 30.

Renata Pietruszka, LL.D., is Assistant Professor in the Department of International Criminal Law at the University of Łódź in Łódź, Poland.

NEWS FROM THE FIELD

NEW LEADERSHIP IN CLARK COUNTY, INDIANA

The Judges who oversee the Clark County Circuit Court named **Jamie Hayden** as the new Chief Probation Officer, effective January 12, 2015. Hayden replaced Clark County Chief Probation Officer **Henry Ford**.

According to the press release issued by Clark County Judge **Vicki Carmichael**, Hayden will continue the work of consolidating the department that was begun three years ago by Ford, who will now serve as Assistant Chief Probation Officer with primary responsibility for juvenile probation.

Hayden has served as a probation officer for Clark County for 21 years and most recently as the Division Chief for the Adult Probation Division. Ford served as a juvenile probation officer prior to becoming chief of the consolidated probation department.

“The consolidated probation department, under Ford’s leadership, accomplished many tasks, including merging the entire department’s multiple case management systems to a single Odyssey case management system,” according to the statement from Carmichael’s office. “This resulted in a cost savings to the county of thousands of dollars as Odyssey is managed by the state and is free of charge to the counties.”

In addition, Ford drafted an employee handbook, job descriptions for each employee and numerous policies and procedures for the department.

Carmichael said that the decision to restructure the probation department staff came after several months of discussion that included Ford’s input. “Henry had done a good job, and he was ready to move back to juvenile probation and do more hands-on probation work, and Jamie was the logical choice with his tenure and experience. It was an agreed-upon change of leadership.”

REAL RETIRES IN MONTEREY COUNTY, CALIFORNIA

According to an article appearing in the *Monterey Herald*, longtime Chief Probation Officer **Manuel Real** retired December 12, 2014, after 39 years of distinguished service with the Monterey County Probation Department.

Before being named Chief in 2004, Real was a 30-year veteran in the department, working in both the adult and juvenile divisions. He conducted investigations, field supervisions, and worked as a juvenile traffic hearing officer, court officer, and child custody investigator.

“Chief Real is a true professional with a strong sense of community and responsibility. I wish Chief Real enjoyment and rest in his well-deserved retirement from service to our community,” Judge **Marla Anderson** said.

Longtime probation employee **Marcia Parsons** was subsequently named to replace Real.

GRIFFIN RECEIVES LARKINS AWARD IN NORTH CAROLINA

Iredell County Chief Probation and Parole Officer **Robin Griffin** received the prestigious *John R. Larkins Award* on Friday, January 16, 2015, during the Martin Luther King celebration at First Baptist Church in downtown Raleigh, North Carolina.

Griffin, an employee of the Division of Adult Correction since 1995, was cited for her compassion, authenticity, and optimism as well as being hard-working and fair-minded in her career and her personal life. She believes in fair treatment of offenders, and takes into account offenders’ life circumstances, including socio-economic status. Griffin embraces and supports new department initiatives such as Justice Reinvestment.

She serves on numerous committees, took part in the Correctional Leadership Development Program, and was selected to represent the Department of Public Safety at the University of North Carolina School of Government before the North Carolina Superior Court Judges on Evidence-Based Practices.

Griffin is involved with agencies in Statesville, her home community, such as Appropriate Placement Options and I-Care which serve individuals with low socio-economic status. She leads church committees that support positive race relations, and she has created lecture forums for youth councils to discuss the founding principles of justice and equality. She spear-headed the Martin Luther King School Supply Project in Iredell County which collected school supplies for local schools.

The *John R. Larkins Award* was established in 1998 to recognize human service. The award is presented annually at the Dr. Martin Luther King, Jr. Day Observance Program. The award is presented to one state government employee and is named for **John R. Larkins**, a state government official with a history of community service work in addition to his duties as an employee. Griffin exemplifies the same virtues that made Dr. Larkins stand out at work and in the community. She has made a positive impact on the lives of others.

NEW PROBATION CHIEF CHOSEN IN SANTA BARBARA COUNTY, CALIFORNIA

In January 2015 Santa Barbara County Presiding Judge **James E. Herman** and Juvenile Presiding Judge **Arthur A. Garcia** announce the selection of **Guadalupe “Lupe” Rabago** as the next Chief Probation Officer. He assumed those duties on January 19, 2015.

At the time of his selection, Rabago was the Interim Chief Probation Officer for Imperial County where he has served since October 2012 as the Assistant Chief Probation Officer. Prior to Imperial County he served San Diego County in the positions of Correctional Deputy Probation Officer, Deputy Probation Officer, Senior Probation Officer, and Supervising Probation Officer dating back to July 1999.

Rabago is a graduate of the University of California, Riverside, where he earned a bachelor’s degree in political science. In addition, he is a graduate of National University in San Diego where he earned a master’s degree in public administration.

His professional affiliations include the Chief Probation Officers of California, American Probation and Parole Association, California Narcotics Officers Association, California Probation, Parole and Correctional Officers Association, California Association of Probation Services Administrators, San Diego County Latino Association, Volunteers in Probation, Inc., Association of Threat Assessment Professionals, and Integrated Justice Information Systems.

Preceding Rabago in service as Chief Probation Officer was **Beverly Taylor**, who retired after many years of dedicated service to the County of Santa Barbara.

COLE APPOINTED EXECUTIVE DIRECTOR OF THE CRIME AND JUSTICE INSTITUTE

According to a press release received January 23, 2015, **Christine M. Cole** has been appointed as the Executive Director of the Crime and Justice Institute at Community Resources for Justice. Headquartered in Boston, Massachusetts, with additional offices and contracts around the nation, the Crime and Justice Institute (CJI) works to make criminal and juvenile justice systems more efficient, promoting accountability while achieving better outcomes.

“We are thrilled that Christine will be joining our staff,” said **Scott Harshbarger**, chair of the CRJ board of directors. “Her experience across many disciplines, combined with her national and international network of professional contacts, will be important as we move our work at CJI to the next level.”

Cole has worked for 29 years in the safety and justice sector, with significant experience in institutional and community based corrections, policing, and victim advocacy. For the past seven years she served as the executive director for the Program in Criminal Justice Policy and Management at Harvard University’s Kennedy School of Government. During her tenure Cole secured over \$6 million in research projects focused on safety and justice measurement, improvement, and reform. She was responsible for leading and managing projects on both a national and international scale.

Cole is well known among police leaders for her work on the Executive Session on Policing at Harvard Kennedy School and its paper series “New Perspectives on Policing.” She has also pro-

vided great leadership in a research initiative examining the response to the 2013 Boston Marathon Bombings, which resulted in a report titled *Why Was Boston Strong?*

Her earlier experience included an appointment as chief of staff for the Massachusetts Executive Office of Public Safety, as well as executive and staff positions at several large-city police departments. This work built on her early professional experience as a Victim Witness Advocate in the Office of the Middlesex District Attorney in Cambridge, Massachusetts.

CRJ's President and CEO, **John Larivee**, said "Christine is exactly the kind of talented, experienced leader we had hoped to attract to the position. CJI has tremendous potential for growing our impact and to continue to be seen as a leader in the field. Christine will be very effective in leading that growth and development."

SYED NAMED DIRECTOR IN DALLAS COUNTY, TEXAS

In January 2015 **Javed Syed**, who had served as Director of the Nueces County Community Supervision and Corrections Department in Corpus Christi, Texas, since January 2005, was named the Director of the Dallas County Community Supervision and Corrections Department in Dallas, Texas, following a nationwide search.

Syed, who earned a bachelor's degree in law enforcement in 1978 and a master's degree in police science and administration in 1985, both from Sam Houston State University, has been involved in the criminal justice system since 1979, when he served as Special Assistant to the Director of the Saudi Arabia Traffic Training Program at Sam Houston State University.

He began his career in community corrections in January 1982 when he was hired as a probation officer with the Harris County Adult Probation Department (now known as the Harris County Community Supervision and Corrections Department) in Houston, Texas. A year and a half later he was promoted to Supervisor; assignments in this position included supervision of Specialized Caseloads, Intensive Supervision, Court Services, and Regional Caseloads.

In March 1993 Syed was promoted to the position of Facility Director; in this capacity he managed the Little York Restitution Facility for one year, the Conservation Work Program for approximately three months, and the female treatment center for one year.

Syed was promoted to Branch Manager in September 1995, a position he held until becoming Director of the Nueces County Community Supervision and Corrections Department. During the ten years he served as Branch Manager, Syed oversaw several specialized programs and the Department's West Region, then the North Region, and lastly the South Region.

In January 2005 Syed took over a department troubled with low morale and lawsuits, and through his calm leadership style he brought closure to these problems and, at the same time, provided a new direction for the department. During his tenure in Nueces County, he placed considerable emphasis on staff training, developing a culture of learning, and creating programs and strategies to better serve the courts, the community, and the offender population.

During a distinguished career that spans more than three decades, Syed has been active in a number of professional or-

ganizations and has served on several state committees dealing with the delivery of probation services. He presently serves on the Board of Director of the Texas Probation Association and co-chairs that organization's Legislative Committee. In addition, for a number of years he has served as a member of the Board of Directors of the National Association of Probation Executives; he is presently the organization's Treasurer. He also serves on the NAPE International Committee.

In March 2014 the Texas Probation Association presented Syed with the *Charles W. Hawkes Lifetime Achievement Award*, the organization's most prestigious honor. Several months later while meeting in New Orleans, Louisiana, the National Association of Probation Executives recognized Syed with the *George M. Keiser Award for Outstanding Leadership*.

Syed has made significant contributions to the probation profession and he is a recognized leader, not only in Texas but nationally.

RIVAS NAMED INTERIM DIRECTOR IN BRAZOS COUNTY, TEXAS

On February 6, 2015, **Lynne F. Rivas** was named Interim Director of the Brazos County Community Supervision and Corrections Department in Bryan, Texas; she replaces the former Director, with whom the Judges had "lost confidence."

Rivas, who retired from the department in December 2010, was brought back by the Judges to provide leadership while a search for a permanent Director is conducted.

A graduate of Texas A&M University with a bachelor's degree in sociology, Rivas joined the department in July 1983 as a probation officer. During her tenure with the department, she held a variety of position, including serving as a Supervisor of the Felony Division and later as Deputy Director. In addition to her duties within the department, Rivas was appointed by the Community Justice Assistance Division of the Texas Department of Criminal Justice as a Field Associate.

Dan Richard Beto, who served as Chief Probation Officer in Brazos County from 1979 to 1991 and who initially hired Rivas, praised the Judges on their selection. "Lynne will do an excellent job," Beto said. "The Judges are to be commended for reaching out to Lynne and enticing her back into service."

NEW DIRECTOR AT NIC

The National Institute of Corrections (NIC) has announced that its Community Corrections Division Chief, **Jimmy L. "Jim" Cosby**, has been selected as the new Director of NIC, effective February 22, 2015. Appointed by United States Attorney General **Eric H. Holder, Jr.**, Cosby succeeds Acting Director **Robert M. Brown, Jr.**, who has returned to service as NIC's Senior Deputy Director.

On the occasion of Jim's appointment as Director of NIC, Bureau of Prisons Director **Charles E. Samuels, Jr.**, commented: "I am looking forward to working with Jim in his new capacity. His experience and commitment to public service are commendable. I am confident he is going to do great things to assist state and local corrections agencies around the country. The National Institute of Corrections provides vital programs and services for the tens of thousands of corrections professionals around the country; I know Jim is going to continue to enhance

the Institute's outstanding reputation for quality training and technical assistance. We in the Bureau of Prisons also benefit from their outstanding work and I look forward to our continued collaboration."

Cosby served as Chief of the NIC Community Services Division beginning in 2011. In that capacity he oversaw the success of initiatives for LGBTI Offenders, Children of Incarcerated Parents, Transition from Jails to Community, Victim Service Providers, and Veteran Offenders. Under his leadership, NIC's Evidence-Based Decision Making Initiative was also expanded to a comprehensive, system-wide framework designed to develop more collaborative, evidence-based decision making and practices in local criminal justice systems and reductions of pretrial misconduct and post-conviction reoffending.

Prior to joining NIC, Cosby was the Assistant Commissioner for the Tennessee Department of Correction from 2004 to 2011. He spent most of his career in corrections serving in a variety of positions with the Tennessee Board of Probation and Parole.

TURCO NAMED TO MASSACHUSETTS CRIMINAL JUSTICE POST

According to an article appearing in the *Worcester Telegram & Gazette*, **Thomas A. Turco, III**, of Auburn, Massachusetts, the Chief Probation Officer in Worcester Superior Court for the last 12 years, has been named undersecretary of criminal justice in the state Executive Office of Public Safety and Security.

Massachusetts Governor **Charlie Baker** appointed Turco to the post in March 2015. As Undersecretary of Criminal Justice, Turco will be responsible for providing strategic leadership to the Department of Correction, the Parole Board, and the Sex Offender Registry Board; in addition, he will serve as a liaison to the county sheriffs.

He will work under **Daniel J. Bennett**, who was appointed Secretary of Public Safety in January.

A graduate of St. Anselm College, Turco holds a master's degree in criminal justice administration from Western New England College.

He worked as a probation officer in Westboro District Court from 1989 to 2000 and served as probation officer in charge of the Department of Community Corrections in Worcester from 2000 to 2003 before being named Chief Probation Officer.

CALL FOR PAPERS FOR NEW CORRECTIONS JOURNAL

The Corrections Section of the American Criminal Justice Society (ACJS) has a new journal, and the editor is **Wes Johnson, Ph.D.**, at the University of Southern Mississippi, who recently issued a call for papers.

Corrections: Policy, Practice, and Research is a peer-reviewed journal with a broad correctional focus encompassing a wide range of relevant topics and innovative approaches from new theoretical perspectives and research findings to their implications for improving policy and practice. Both national

and international in scope, the journal will address these issues and challenges as they relate to sentencing, prisons, jails, and community corrections.

A wide range of topics are considered and include, but are not limited to: prisons, jails, probation and parole, inmate/client and staff experiences, reentry transition, sentencing policies and practices, the death penalty, comparative corrections, correctional treatment, decarceration, educational and vocational programming, and privatization.

The initial submission deadline is May 1, 2015. Manuscripts should be submitted electronically to the editor at the email listed below. Manuscripts should be no more than 40 double-spaced pages, Times New Roman, 12 point font, 1" margins. No color pictures, graphs or tables should be included. Authors should follow all formatting guidelines of the *APA Publication Manual, 6th Edition*.

Anticipated publication for the first issue is January 2016. Questions and submissions should be directed to Dr. Wes Johnson, william.w.johnson@usm.edu.

ANGRADI APPOINTED CHIEF IN PIKE COUNTY, PENNSYLVANIA

In March 2015 **Jeffery Angradi** was appointed Chief of the Pike County Probation Department in Milford, Pennsylvania, by President Judge **Joseph Kameen**.

Angradi was appointed following the retirement of the **Edward Joyce**, the former Chief Probation Officer.

Angradi, who has lived in Milford since 1992, is a graduate of East Stroudsburg University. A longtime resident of Pike County, Angradi has been employed with the department since July 5, 1988, and has been Deputy Chief Probation Officer since 1998.

PRISON-TO-WORK

The benefits of intensive job-search assistance for former inmates is the subject of a monograph written by Aaron Yelowitz and Christopher Bollinger and published by the Center for State and Local Leadership (CSLL) at the Manhattan Institute. The authors introduce the monograph as follows:

Of the 650,000 inmates released from prisons and jails in the United States each year, as many as two-thirds will be arrested for a new offense within three years. This study evaluates the impact of enhanced job-readiness training and job-search assistance on reducing recidivism rates among ex-offenders.

To read this research report – *Civic Report No. 96* – visit the following link: http://www.manhattan-institute.org/pdf/cr_96.pdf.

Aaron Yelowitz is Associate Professor of Economics and Christopher Bollinger is Professor of Economics, both at the University of Kentucky.

To learn more about the work of the Manhattan Institute, go to: <http://www.manhattan-institute.org/>.

NATIONAL ASSOCIATION OF PROBATION EXECUTIVES

Who We Are

Founded in 1981, the National Association of Probation Executives is a professional organization representing the chief executive officers of local, county and state probation agencies. NAPE is dedicated to enhancing the professionalism and effectiveness in the field of probation by creating a national network for probation executives, bringing about positive change in the field, and making available a pool of experts in probation management, program development, training and research.

What We Do

- Assist in and conduct training sessions, conferences and workshops on timely subjects unique to the needs of probation executives.
- Provide technical assistance to national, state and local governments, as well as private institutions, that are committed to improving probation practices.
- Analyze relevant research relating to probation programs nationwide and publish position papers on our findings.
- Assist in the development of standards, training and accreditation procedures for probation agencies.
- Educate the general public on problems in the field of probation and their potential solutions.

Why Join

The National Association of Probation Executives offers you the chance to help build a national voice and power base for the field of probation and serves as your link with other probation leaders. Join with us and make your voice heard.

Types of Membership

Regular: Regular members must be employed full-time in an executive capacity by a probation agency or association. They must have at least two levels of professional staff under their supervision or be defined as executives by the director or chief probation officer of the agency.

Organizational: Organizational memberships are for probation and community corrections agencies. Any member organization may designate up to five administrative employees to receive the benefits of membership.

Corporate: Corporate memberships are for corporations doing business with probation and community corrections agencies or for individual sponsors.

Honorary: Honorary memberships are conferred by a two-thirds vote of the NAPE Board of Directors in recognition of an outstanding contribution to the field of probation or for special or long-term meritorious service to NAPE.

Subscriber: Subscribers are individuals whose work is related to the practice of probation.

Membership Application

NAME _____ TITLE _____

AGENCY _____

ADDRESS _____

TELEPHONE # _____ FAX # _____ E-MAIL _____

DATE OF APPLICATION _____

<i>CHECK</i>	Regular	<input type="checkbox"/> \$ 50 / 1 year	Organizational	<input type="checkbox"/> \$ 250 / 1 year
	Membership	<input type="checkbox"/> \$ 95 / 2 years	Corporate	<input type="checkbox"/> \$ 500 / 1 year
	Desired	<input type="checkbox"/> \$ 140 / 3 years		

Please make check payable to **THE NATIONAL ASSOCIATION OF PROBATION EXECUTIVES** and mail to:
 NAPE Secretariat, ATTN: Christie Davidson, Correctional Management Institute of Texas, George J. Beto Criminal Justice Center,
 Sam Houston State University, Huntsville, Texas 77341-2296
 (936) 294-3757

NAPE

NATIONAL ASSOCIATION OF PROBATION EXECUTIVES
www.napehome.org



Sam Houston State University

MEMBER THE TEXAS STATE UNIVERSITY SYSTEM™

www.shsu.edu
